

October 24, 2005

Honorable Justices Bowman, Beam and Bye
c/o Clerk of Court Michael E. Gans
Eighth Circuit Court of Appeals
111 South 10th Street
St. Louis, MO 63102

Dear Honorable Justices Bowman, Beam and Bye:

This is you're your "blackmail" letter from the Bumble Bee!

While posting this letter is a constitutionally protected activity elsewhere in our Nation, it constitutes "blackmail" if mailed from Johnson County Kansas.

On June 14, 2005 a Kansas jury found me jury of guilty of the "crime" of exercising constitutional rights.

On July 22, 2005 the State of Kansas moved for a dispositional departure to imprison me for a 2-½ year prison term for the crime of exercising rights guaranteed by our Constitution contending that I am not amenable to probation based upon my past performance on various types of supervised release including bond, probation, and parole. Attached to the memorandum in support for this upward departure is your unpublished opinion of June 10, 2002. (Attached.) Sentencing is scheduled for Monday, October 31, 2005 at 1:30 p.m. at the Johnson County Courthouse in Olathe, Kansas.

As you may recall at my revocation hearing I challenged the enactment of the Sentencing Reform Act of 1984 on the basis that it is in violation of Title 1 USC 106(a) and hence, there is no supervised release. The argument was denied without ever addressing the merits.

This is a willful act by me to compel you to act against your will and revisit this issue at a future date by threatening you with public ridicule, contempt, or degradation on www.fairtrailsinamerica.org, if you fail to do so, meeting all the elements of blackmail in Johnson County Kansas!

Best Regards,

THE BUMBLE BEE
Conrad J. Braun
3940 Hancock Street, Suite 208
San Diego, CA 92110
(Mailed from Johnson County Kansas)

cc: Honorable Judge Stephen Tatum

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3317

United States of America,

Appellee,

v.

Conrad Jules Braun,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: June 5, 2002
Filed: June 10, 2002

Before BOWMAN, BEAM, and BYE, Circuit Judges.

PER CURIAM:

Conrad Jules Braun appeals the sentence imposed by the district court¹ upon revocation of his supervised release, arguing that the district court erred in sentencing him in excess of the Guidelines range.

Following a revocation hearing, the district court found Braun had committed three violations of his supervised release conditions. In sentencing Braun to 24 months imprisonment, the statutory maximum authorized under 18 U.S.C.

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

3583(e)(3) based on Braun's underlying offenses, the court noted that Braun was not amenable to supervised release and a maximum sentence was necessary for the safety of the community. Upon careful review of the record, we conclude the district court did not abuse its discretion in imposing a sentence above the suggested Guidelines range. See U.S.S.G. § 7B1.4 (range of imprisonment available upon revocation); United States v. Shaw, 180 F.3d 920, 922 (8th Cir. 1995) (per curiam) (Chapter 7 Guidelines are advisory and non-binding). Braun's revocation prison sentence did not exceed the maximum prison term authorized under section 3583(e)(3), and the court's stated reasons for imposing the 24-month term reflect consideration of the factors set forth in 18 U.S.C. §§ 3553 and 3583. See United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995) (revocation sentence reviewed for abuse of discretion).

Braun's other arguments are without merit. Accordingly, we affirm, grant counsel's motion to withdraw, and deny all other pending motions.

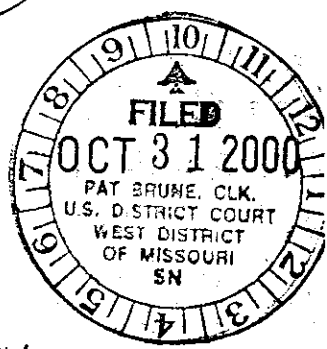
A true copy.

Attest:

Michael E. Gans

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI



UNITED STATES OF AMERICA)
Plaintiff)
US.)
Conrad Jules Braun)
Defendant.)

Case No:
93-00133-01-CR-W-95

MOTION TO DECLARE COMPREHENSIVE
CRIME CONTROL ACT OF 1984 NOT ENACTED

COMES NOW the prisoner Conrad J. Braun in a ~~petition~~ motion to declare the Comprehensive Crime Control Act of 1984 (hereinafter CCCA 1984) not enacted. IN support of said motion the prisoner argues as follows:

1. On September 21, 2000 the prisoner was arrested for violation of conditions of supervised release. Order for issuance of warrant for arrest was dated September 19, 2000 by U.S. District Judge Nanelle K. Laughery under the presumed enactment of the Sentencing Reform Act of 1984, and Comprehensive Crime Control Act of 1984.

ORIGINAL

(over)
DOCUMENT 243

2. While the "presumption (is) that the challenged statute is valid," INS v Chada, 462 U.S. 919, 77 L Ed 3d 317, 340, 103 S Ct 2764, "ON the other hand, we cannot be unmindful of the consequences that must result if this court should feel obligated, in fidelity to the Constitution, to declare that an enrolled bill, on which depend public and private interests of vast magnitude, and which has been... deposited in the public archives, as an act of Congress... did not become law." Id. Quoting Field v Clark, 143 U.S. 649, 669-670, 36 L Ed 294, 12 S Ct 495 (1892) (emphasis added and in original.)

3. Direct evidence shows Comprehensive Crime Control Act of 1984, Title II of Pub. L. No. 98-473 is not complete pursuant to Title I USA 106 (a) as it is not deposited in public archives. While, such direct evidence does not per se nullify enactment without further inquiry to find the cause (i.e. such as inadvertent mistake, fire, flood, etc.), this direct evidence is prima facie cause for further inquiry.

4. The presumed CCA 1984 is derived by fiat of the United States Sentencing Commission created by said act which wrote its own legislative history. (See Supplementary Report On The Initial Guidelines And Policy Statements, June 1982) The United States Sentencing Commission has a protected interest in the legislative history.

5. Also having a protected interest, the Department of Justice promulgated a legal opinion 12 U.S. Office Legal Counsel 128 (1988) W.L. 39011 O.L.C. knowing that CCA 1984, less the sentencing reform provisions introducing new or general legislation to an appropriation bill, is the same legislation that was vetoed by President Reagan in the 97th Congress, while Congress has the power to amend, suspend, or repeal a statute by an appropriations bill, as long as it does so clearly Robertson v. Seattle Audubon Socy 503 U.S. 429, 440 112 S Ct 1407, 1414, 118 L. Ed 2d 73 (1992) and while "there can be no doubt that Congress could suspend or repeal the authorization contained

in (a current statute). . . " United States v. Dickerson, 310 U.S. 554, 555, 60 S.Ct 1034, 1035, 84 L Ed 1356 (1940) in this case President Reagan vetoed the Comprehensive Crime Control Act of 1984, less the sentencing reform provisions of the Sentencing Reform Act. of 1984 creating new or general legislation, i.e, creating the United States Sentencing Commission which did not before exist by statute. While Congress may amend or repeal substantive law through an appropriations act, appropriations acts are limited legislation "relating to a particular subject" and "may be used to suspend ~~or~~ modify prior acts of Congress". Friends of Earth v. Armstrong, 485 F 2d 1, 9 (10th Cir 1973) (emphasis added). There is "a prohibition against amendments introducing new or general legislation to appropriation bills." Aeronautical Radio Inc. v. United States, 335 F 2d 304, 308 (7th Cir 1973) (emphasis added). In this peculiar case President Reagan published his reasons for disapproval and notified the 98th Congress of the obstacle for passage of the same Bill, less the sentencing reform provisions, (See 19 Weekly Comp, Pres, Doc 47 January 14,

1983), This federal prisoner can find nowhere any court has addressed the validity of a veto for identical legislation introduced in a subsequent Congress.

6. The presumption of CCA 1984 enactment is held by the thread of legislative history written by the United States Sentencing Commission and a Department of Justice legal opinion. Legislative history is judicially determined and legal opinion is simply opinion, not law.

7. While the CCA 1984, less the sentencing reform provisions, relates to particular subjects and repeals, amends, suspends or modifies a prior act of Congress thereby becoming law by appropriation act, in this case it is vetoed legislation introduced in a subsequent Congress. The sentencing reform provisions known as Sentencing Reform Act of 1984, not vetoed, are new or general legislation creating the United Sentencing Commission codified as Title 28 USC 991 thru 998 and are

presumed enacted by legislative history and legal opinion of protected interests, the petitioner would suggest that the Comprehensive Crime Control Act of 1984 is not deposited in public archives because it is not enacted and not through independent mistake or catastrophe.

8, the petitioner has show prima facie that the presumed Comprehensive Crime Control Act of 1984 is not enacted and has gone on to show, no extraordinary circumstances exist excusing violation of Title 1 USC 106(a),

WHEREFORE for good cause shown the Comprehensive Crime Control Act of 1984 should be declared not enacted and the prisoner released as the confinement of the prisoner is unlawful to execute,

Respectfully Submitted,

D. J. Bauer

Federal Prisoner #05869-031
CCA

Executed on: 10/28/00

100 Hwy Ter

Leavenworth, KS 66048